

**REMARKS**

Claims 1-15 and 20-25 are pending in the application.

Claims 1-15 and 20-25 have been rejected.

Reconsideration of the Claims is respectfully requested.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 11, 13, 21 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hiscock (US 6,721,787). The rejection is respectfully traversed.

Hiscock was issued on April 13, 2004, and has an effective filing date of February 10, 2000.

The present application was filed on February 1, 2001, with an effective priority date of June 16, 2000 (by virtue of U.S. provisional application 60/212,203). Thus, Hiscock qualifies as prior art only under 35 U.S.C. § 102(e).

Applicant submits herewith a Declaration of Prior Invention Under 37 CFR 1.131 (“Rule 131 Declaration”) evidencing prior invention to Hiscock. As indicated in the attached Rule 131 Declaration, the inventors respectfully submit that (1) the invention was reduced to practice prior to February 10, 2000, and/or (2) the date of conception of the invention was prior to February 10, 2000 and the effective priority date of the present application is June 16, 2000 (which is approximately four months after the effective date of Hiscock), and which evidences due diligence from prior to the effective date of Hiscock to the effective priority filing date of the present application. Thus, the claimed subject matter was invented prior to the effective date of Hiscock. As a result, Hiscock does not qualify as prior art to reject the claims of the present application.

Applicants also attach herewith a copy of the Petition Under 37 C.F.R. § 1.47 In Support of Declaration of Prior Invention Under 37 C.F.R. 1.131 (and supporting Declaration) which is being filed concurrently herewith to the USPTO Petitions branch.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1-3, 11, 13, 21 and 23 over Hiscock.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Haartsen (US 6,590,928). Claims 6-7 and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Treyz (US 6,678,215). Claims 8, 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Jones (US 6,108,314). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Callaway, Jr. (US 6,711,380). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of McClard (“Unleashed: Web Tablet Integration Into the Home”). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Nevo (US 6,600,726). Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Thompson (US 6,484,011). Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Gershman (US 6,356,905). The rejections are respectfully traversed.

All of the above § 103(a) rejections are based upon Hiscock as the primary reference. As set forth above, Hiscock is unavailable as prior art due to Applicants prior invention.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejections of Claims 4-10, 12, 14-15, 20, 22, 24 and 25.

III. CONCLUSION

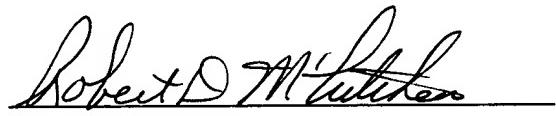
As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at [rmccutcheon@davismunck.com](mailto:rmccutcheon@davismunck.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,  
DAVIS MUNCK, P.C.

Date: 10/19/2005

  
\_\_\_\_\_  
Robert D. McCutcheon  
Registration No. 38,717

P.O. Drawer 800889  
Dallas, Texas 75380  
(972) 628-3632 (direct dial)  
(972) 628-3600 (main number)  
(972) 628-3616 (fax)  
E-mail: [rmccutcheon@davismunck.com](mailto:rmccutcheon@davismunck.com)